City of Lafayette Staff Report

For:	City Council
By:	Leah C. Greenblat, Transportation Planner
Date Written:	July 3, 2008
Meeting Date:	July 28, 2008
Subject:	Proposed Ordinance Amending the Lafayette Municipal Code Regarding Commercial Loading Zones.

Introduction / Discussion

At its June 16, 2008 meeting, the Circulation Commission considered an amendment to the Lafayette Municipal Code arising from a complaint to the City's Police Services Division. The Police recently received an objection from a recipient of a parking ticket. This person parked in a designated loading zone on Lafayette Circle West adjacent to the Lafayette Mercantile. The recipient is the owner of a small, nearby business and he was actively engaged in unloading a delivery for his store from his personal vehicle; however, his vehicle did not have commercial vehicle plates. Because the vehicle was not a licensed commercial vehicle, under Section 8-8122 of the Lafayette Municipal Code, there was a violation in the designated use of the loading zone and a parking enforcement officer issued a citation. Due to the small, independent, nature of many of Lafayette's businesses, some business owners may utilize vehicles, such as their personal automobiles, that are not designated commercial vehicles, for routine loading and unloading. In order to accommodate this reasonable use of a loading zone, staff recommends modifying the Municipal Code to legitimize this use. The City Attorney has reviewed the matter and prepared a draft revised ordinance, which the Commission considered. There were no public speakers on the matter and the Commission voted 6:1 (Ross opposed) to forward a recommendation to the City Council supporting the proposed change to the code to permit non-commercial vehicles actively loading and unloading to use a designated loading zone, draft minutes attached. Chair Ross opposed granting permission to use the loading zones to vehicles without commercial plates.

Fiscal Impact

None.

Recommendation

1. Adopt Ordinance No. 577 amending Section 8-8122 of the Lafayette Municipal Code.

Attachments

1. Ordinance No. 577
2. Draft June 16, 2008 Circulation Commission Meeting Minutes

c:\users\lgreenblat\documents\leah's work files\circulation commission\reports to council\2008\loading zone ordinance.doc

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE
IN THE MATTER OF:

An Ordinance of the City Council)
of the City of Lafayette Amending)
Section 8-8122 of Chapter)
8-8 Relating to Standing in)
a Loading Zone) Ordinance No. 08-577

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES ORDAIN AS FOLLOWS:

Section 1. Section 8-8122 of Chapter 8-8 of the Lafayette Municipal Code, "Traffic Regulations," is hereby amended to read as follows:

8-8122 Standing in a loading zone.

(a) No person shall stop, stand or park any vehicle for any purpose or length of time, other than a ~~commercial~~ vehicle for the active and expeditious loading, unloading and delivery or pickup ~~and loading~~ of property ~~carried in the cargo area of the vehicle,~~ in any place marked as a ~~commercial~~ loading zone, per California Vehicle Code Section 21458.(a)(2) between seven a.m. and six p.m. of any day except Sundays and holidays, and then only for a period not to exceed 20 minutes or as otherwise designated by signage.

(b) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property, and then only for a period not to exceed three minutes.

(c) When a sign has been installed which designates the period during which the loading zone is in effect, the restrictions shall apply only during the period designated on the sign.

Section 2. The City Clerk shall certify the adoption of this ordinance and shall cause same to be published as required by law.

Section 3. Effective Date. This Ordinance becomes effective thirty (30) days after its adoption.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 5. Publication. The City Clerk shall either (a) have this ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Lafayette held on ____, 2008, and was adopted and ordered published at a meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

_____
Joanne Robbins, City Clerk

APPROVED:

_____
Mike Anderson, Mayor

City of Lafayette
Circulation Commission Regular Meeting
Draft Minutes

Lafayette Community Center
Lafayette, CA

June 16, 2008
7:00 PM

DRAFT

1. Call to Order Chair Ross called the meeting to order at 7:06 PM.

2. Roll Call

Present: Chair Ross, Vice Chair Hughes, Commissioners Hiden, Poling, and Wood

Absent: Commissioners Holit, and Sevilla (both excused)

BPAC: Claude Aiello

Staff: Ms. Leah Greenblat, Transportation Planner; Mr. Chuck DeLeuw, Consulting Traffic Engineer, Ms. Marie Pettersen, Contract Minutes Taker

3. Adoption of the Agenda

Commissioner Hiden pulled Item 6.A. from the Consent Calendar.

Commissioner Poling moved and Commissioner Wood seconded adoption of the agenda as amended. The motion was approved by unanimous voice vote.

4. Public Comments

Jim Peacock addressed the Commission on Wilkinson Lane egress. He has repeatedly requested a red zone to the north right to the left when you come out of Wilkinson Lane. Federal Express has decided that this is their personal parking area. He was almost hit last Saturday by a FedEx driver. Trucks should not come down Wilkinson Lane, as it is a dead end street. He has called the police but they do not come out. Wilkinson Lane is a fire access to the shopping center as a whole. He requested that the Commission please take a look at this.

Commissioner Poling requested that staff prepare a report for the Commission on alternatives that would not block emergency access.

Vice Chair Hughes suggested agendizing this item with options recommended by staff.

There was consensus by the Commission to agendize this item on a future agenda.

5. Consideration of Proposed Ordinance Amending the Lafayette Municipal Code Regarding Commercial Loading Zones

Ms. Greenblat said that since the packet was circulated, staff has a proposed amendment to the ordinance, which was handed out to the Commission. This proposed amendment to the Lafayette Municipal Code would more clearly differentiate between passenger loading zones and more traditional loading zones.

Commissioner Poling asked about enforcement of the proposed amendment.

Ms. Greenblat answered that there were only two such loading zones in Lafayette, which the Police Chief has indicated could be enforced.

Commissioner Poling moved and Commissioner Wood seconded approval to forward a recommendation to City Council supporting the proposed change to the Lafayette Municipal Code, which would permit non-commercial vehicles actively loading and unloading to use a designated loading zone. The motion was approved by a vote of 4-1 in favor with Chair Ross opposed because he felt that anyone would be able to utilize these zones and they are supposed to be specifically for commercial vehicles.

6. Consent Calendar

a. Minutes of June 2, 2008

Commissioner Hiden said that she thought more information should be added under Vice Chair Hughes' commentary on the Downtown Strategy update. The Commission accepted what was written in the minutes. Commissioner Hiden said she would like to review the tapes from the meeting at some point.

Commissioner Poling moved and Vice Chair Hughes seconded approval of the minutes of the June 2, 2008 Circulation Commission as submitted. The motion was approved by unanimous voice vote.

7. Staff Reports

a. Update on Recent Council Actions

Ms. Greenblat reported that at the June 9 Council meeting, Council authorized staff to send the proposed grant application submittals.

b. Report on Deer Hill/Oak Hill Intersection Control

Ms. Greenblat said this was an item the Commission requested staff report back on. A development review application triggered a traffic study at the Deer Hill and Oak Hill Roads intersection. The study showed the existing LOS was F in the AM and PM peak periods. In the City's General Plan EIR, this was one of the intersections identified at a future point for installation of a signal. Staff was asked to evaluate if that time had been reached. Mr. DeLeuw's memo, included in the packet, does not recommend installation of a traffic signal at this time. Peak congestion at this location is for a short duration of time. A signal would impede pedestrian mobility especially across the southern leg of the intersection. Vehicles would travel at a faster rate through the intersection on a green light with a signal. There have been one or more accidents per year for the last few years and this is not enough to meet the signal safety warrants. Installation of a signal may create different types of collisions. Staff does not feel that a signal would be any safety benefit. While the intersection is at LOS F at peak hours, during the majority of the day the intersection operates well. Staff will continue to monitor this intersection.

Commissioner Hiden said she feels there is a light load at the intersection because of the economy and the intersection should be looked at again when the economy improves.

Commissioner Poling said she agrees with staff's rationale and that all-way stops are notoriously difficult to calculate.

Mr. Aiello said he doesn't feel this intersection is much of a problem from a bicycle perspective and agrees with staff's recommendation.

8. Written Communications

a. Flyer for Lafayette Transportation Fair, June 24, 2008

NOTICE AND SUMMARY OF ORDINANCE NO. 577
AMENDMENT TO THE LAFAYETTE MUNICIPAL CODE
RELATING TO STANDING IN A LOADING ZONE

Notice is hereby given that on Monday, July 28, 2008 at 7 p.m. or shortly thereafter, the City Council of the City of Lafayette will consider adoption of Ordinance 577 at the Lafayette Community Center – Manzanita Room located at 500 St. Marys Road, Lafayette, California 94549. The following is a summary of the proposed ordinance:

Ordinance No. 577 amends Section 8-8122 of Chapter 8-8 of the Lafayette Municipal Code to permit active and expeditious loading, unloading and delivery and pick up of property in any place marked as a loading zone.

Note: The above is summary of the major highlights of the ordinance. A reading of the entire ordinance is necessary to obtain a full understanding of the ordinance. A certified copy of the full text of the ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Date: July 7, 2008
Joanne Robbins
City Clerk

Publish Date: July 17, 2008